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U.S. PTO

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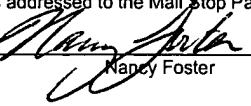
CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

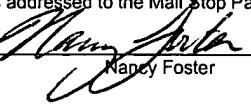
EV 351294837 US

December 16, 2003

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
Nancy Foster



PATENT

Customer Number 22,852

Attorney Docket No. 4121.0116-08000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop Patent Application**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Prior Application Art Unit: 1634 Prior Application Examiner: A. K. Chakrabarti

SIR: This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/399,003, filed September 20, 1999, of Holly H. HOGREFE and Connie J. HANSEN, for POLYMERASE ENHANCING FACTOR (PEF) EXTRACTS, PEF PROTEIN COMPLEXES, ISOLATED PEF PROTEIN, AND METHODS FOR PURIFYING AND IDENTIFYING.

1.  Enclosed is a complete copy of the prior application, U.S. Patent Application No. 09/399,003, filed September 20, 1999, of the Declaration and Power of Attorney filed November 4, 1999, of the Substitute Declaration and Power of Attorney, filed March 24, 2000, and of the Substitute Sequence Listing, filed July 18, 2002.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  A Preliminary Amendment is enclosed.

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5.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 above.

The filing fee is calculated as follows:

| Basic Application Filing Fee                                    |                  |   |       |              | \$770  | \$770.00 |
|---|------------------|---|-------|--------------|--------|----------|
|   | Number of Claims |   | Basic | Extra Claims |        |          |
| Total Claims  | 3                | - | 20    | 0            | x \$18 | \$0.00   |
| Independent Claims  | 1                | - | 3     | 0            | x \$86 | \$0.00   |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) |                  |   |       |              | +\$290 |          |
| Subtotal  |                  |   |       |              |        | \$770.00 |
| Reduction by 1/2 if small entity                                |                  |   |       |              |        | -        |
| TOTAL APPLICATION FILING FEE                                    |                  |   |       |              |        | \$770.00 |

6.  Please do not charge the filing fee to Deposit Account No. 06-0916.

7.  A check in the amount of \$[Fee] to cover the filing fee is enclosed.

8.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

9.  Since applicants intend the present continuation application to have the same disclosure as parent U.S. Patent Application No. 09/399,003, that application has been incorporated by reference into this application in an abundance of caution in the event that any of the disclosure of U.S. Patent Application No. 09/399,003 is inadvertently omitted in this submission. That incorporation by reference should not necessitate a new oath or declaration, since the declaration (a copy of which is enclosed) already was executed for the disclosure of U.S. Patent Application No. 09/399,003.

10.  New formal drawings are enclosed.

11.  The prior application is assigned of record to: Stratagene

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12.  Priority of application Serial No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy  
     is enclosed or  is on file in the prior application.

13.  A verified statement claiming small entity status  
     is enclosed or  is on file in the prior application.

14.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann

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15.  The power appears in the two attached declarations of the prior application.
16.  Since the power does not appear in the original declaration, a copy of the Revocation of Original Power of Attorney And Grant of New Power of Attorney and 37 C.F.R. § 3.73(b) Statement in the prior application Serial No. [Number] is enclosed.
17.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
18.  Recognize as associate attorney \_\_\_\_\_
19.  Also enclosed is \_\_\_\_\_

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**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/399,003, filed September 20, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 16, 2003

By: *Robert W. Mann*  
Robert W. Mann  
Reg. No. 48,555

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